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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted in response to the request of the Security Council in paragraph 3 of its resolution 933 (1994) of 30 June 1994.

2. It may be recalled that, in my reports dated 25 August 1993 (S/26352) and 21 September 1993 (S/26480), I recommended to the Security Council the establishment of a United Nations Mission in Haiti (UNMIH) to help implement the Governors Island Agreement of 3 July 1993 (S/26063). On 23 September 1993, the Security Council adopted resolution 867 (1993) by which it noted those reports and authorized the establishment and immediate dispatch of UNMIH for a period of six months. As authorized by the Security Council, the mission would comprise 567 United Nations police monitors and a military construction unit with a strength of approximately 700, including 60 military trainers. The objective was to provide, in accordance with paragraph 5 of the Governors Island Agreement, guidance and training to all levels of the Haitian police and to monitor its operations as well as to modernize the Armed Forces of Haiti through non-combat training and participation in engineering and medical assistance projects. It should be noted that, at that time, the United Nations experienced difficulties in recruiting the required number of civilian police personnel.

3. As stated in my reports of 13 October 1993 (S/26573), 11 November 1993 (S/26724), 26 November 1993 (S/26802) and 19 January 1994 (S/1994/54) the mandate entrusted to UNMIH by resolution 867 (1993) could not be implemented because of various developments in Haiti which constituted non-compliance by the Armed Forces of Haiti with the relevant provisions of the Governors Island Agreement. I further noted that the reactivation of the mission would be contingent on a substantial change of attitude on the part of the Haitian military leaders towards the implementation of the Agreement.

4. In its resolution 917 of 6 May 1994, which imposed additional sanctions against Haiti, the Security Council decided that those sanctions would not be lifted until the creation of a proper environment for the deployment of UNMIH, the retirement of the Commander-in-Chief of the Armed Forces of Haiti and the resignation or departure from Haiti of the Chief of Staff of the Armed Forces of Haiti and the Chief of the Metropolitan Zone of Port-au-Prince.

5. In my report of 28 June 1994 (S/1994/765), I noted that the further deterioration of the situation in Haiti had substantially changed the circumstances under which the original UNMIH was planned. In the light of recommendations adopted by the Foreign Ministers of the Organization of American States (OAS) during their ad hoc meeting at Belem, Brazil, as well as the conclusions adopted by the Friends of the Secretary-General for Haiti on 3 June, I suggested that the Council might wish to consider modifying the original mandate established for UNMIH. It had become clear by then that 1,200 lightly armed military and civilian police personnel, could not by themselves ensure implementation of the mandate entrusted to UNMIH in the conditions which would be likely to exist immediately after the departure of the senior military leadership.

6. In its resolution 933 of 30 June 1994, the Security Council requested me to report as soon as possible, but not later than 15 July 1994, specific recommendations on the reconfiguration and strengthening of UNMIH including the strength, composition, cost and duration of the mission. In paragraph 3 of the resolution, the Council specified that my recommendations should include, inter alia, means by which UNMIH could, in due course, assist the democratic Government of Haiti in fulfilling its responsibility to provide security for the international presence, senior Haitian government officials and key installations, and in assisting Haitian authorities to assure public order and in the holding of legislative elections to be called by the legitimate constitutional authorities.

II. TASKS, STRENGTH AND CONCEPT OF OPERATIONS OF AN EXPANDED FORCE

7. The tasks to be undertaken by an expanded force would be those originally entrusted to UNMIH by the Security Council in its resolution 867 (1993), together with the new tasks referred to in paragraph 3 of its resolution 933 (1994). The requirement for most of the latter tasks arises from the expectation that, after the departure of the senior Haitian military leadership and before the restoration in full of the legitimate Government's authority, there will be a period of indeterminate duration during which the legitimate authorities may require assistance in ensuring the security of the international presence and their own senior officials and key installations, and in ensuring public order more generally.

8. For many years, Haiti has endured a political and social climate characterized by widespread violations of human rights and other incidents of violence. That state of affairs has, as evidenced by the reports of the International Civilian Mission in Haiti (MICIVIH) which I have transmitted to the General Assembly, deteriorated sharply since the seizure of power by the senior leadership of the Armed Forces of Haiti in September 1991 and, especially, since their failure to respect their commitments under the Governors Island Agreement of 3 July 1993. The deployment of the expanded force, and its provision of assistance to the legitimate authorities in the maintenance of public order, are likely, therefore, to take place in a disturbed and violent environment. Not only might the force face hostile actions directed against it by individuals or organized groups from the Armed Forces of Haiti or other

sectors of Haitian society that have supported the illegal regime, but it might also be confronted by intra-Haitian violence, as scores are settled after the departure of the senior military leadership. It would be required to help the legitimate authorities bring such violence under control, if the law and order resources available to them were not adequate to the task. It cannot therefore be excluded that the expanded force would have to use coercive means in order to fulfil its mandate. Given these law-and-order aspects of the expanded force's tasks, it would be necessary for the Security Council to act under Chapter VII of the Charter in authorizing its mandate.

9. Against this background, the expanded force would need the capacity to ensure at the outset the establishment of a stable and secure environment throughout Haiti in order to facilitate the early restoration of the legitimate authorities and the re-establishment of their structures in working order, as well as implementation of the tasks previously assigned to UNMIH. It is therefore proposed that the mandate of the expanded force should include the following tasks:

(a) To control all main points of entry, seaports and the airport of Port-au-Prince, as well as main supply routes, so that the various elements of the international presence, including the force itself, could move freely in and out of the country and within it;

(b) To assist the legitimate authorities of Haiti in:

(i) The provision of security for the force's headquarters and other international facilities;

(ii) The provision of security for Haitian government officials and key installations;

(iii) Assuring public order, including the disarmament of paramilitary groups;

(c) To professionalize the Armed Forces of Haiti and to enhance their non-combat capabilities;

(d) To establish a new police force separate from the Armed Forces as envisaged in the Police Bill, which it is assumed would be ratified by the Haitian Parliament at the earliest opportunity;

(e) To assist the legitimate authorities in holding democratic elections for the renewal of the Parliament in accordance with the Constitution.

The assistance by the military component of UNMIH in the assurance of public order would be as described in paragraph 9 above and would not extend to other law and order duties, such as the arrest, detention and prosecution of individuals. The only exception would be the detention of individuals who attacked members of the force, but such detentions would be for only a brief period until the individuals concerned could be handed over to an appropriate Haitian authority.

10. In addition to the capacity required for the above-mentioned tasks, the force would need to be able to conduct operations in what could be hostile conditions. For this it would require:

(a) The capacity to react to unexpected eventualities;

(b) Sufficient logistic, engineering and medical support to be able to operate autonomously until it had succeeded in establishing a secure and stable environment.

11. It is estimated that in order to fulfil all the above-mentioned tasks in an uncertain and possibly hostile environment, the force would need to include the following elements:

(a) 5,000 combat troops made up of infantry units, helicopter units and special operations units;

(b) 6,500 combat support troops, including military police, intelligence, communications, engineer, medical, transport and logistic elements;

(c) An offshore reserve of 3,500 troops, including a marine amphibious unit and two infantry battalions;

(d) A group of about 60 military trainers;

(e) A civilian police component of about 550 personnel.

12. The proposed concept of operations envisages two phases:

(a) In phase one, the force would establish a secure and stable environment by providing assistance to the legitimate authorities as specified in paragraphs 9 (a) and (b) above. In this phase, all 5,000 combat troops would be deployed, together with as many units as required from the 6,500 support elements. The reserve forces would be utilized only if necessary;

(b) In phase two, the force would begin to implement those aspects of the Governors Island Agreement for which UNMIH was originally created, namely the modernization of the armed forces and the police as specified in paragraphs 9 (c) and (d) above. This phase would be initiated as soon as a secure and stable environment was established. Depending on conditions then existing and on progress made in professionalizing the Armed Forces of Haiti and forming the new police force, the troops deployed in phase one would progressively be reduced to the level required to maintain that environment. The reserve force would stay in place as long as considered necessary.

13. As regards the police component of the force, the main objective of cooperation in the police sector would be to assist in the establishment and organization of a Haitian police force separate from the armed forces. Pending its creation and training, police elements in the force would provide advice and assistance for the purposes of improving the functioning of the existing security forces and would monitor the latter's performance, ensuring that it conformed with human rights standards. Their functions would thus be strictly

limited to monitoring and training. It is hoped that their presence would have a favourable impact on the manner in which police work is carried out in Haiti.

14. To summarize the above-mentioned concept, an expanded force would need a maximum strength of just over 15,000 military personnel and about 550 civilian police personnel, with a mandate from the Security Council, acting under Chapter VII of the Charter, that would permit the force to use coercive means as necessary in assisting the legitimate authorities to carry out various public order functions. The expanded force would also require civilian personnel in various support functions. Additional international civilian personnel would be needed to assist the legitimate authorities in holding legislative elections, though this task might perhaps be better entrusted to a civilian operation rather than to an armed force.

III. OPTIONS FOR THE ESTABLISHMENT OF AN EXPANDED FORCE

15. I have considered three options for the establishment of an expanded force along the lines mentioned above.

16. The first option would be for the Security Council to expand the existing force (UNMIH) and give it a revised mandate covering the additional tasks envisaged in resolution 933 (1994). UNMIH would continue to operate in accordance with the established principles and practices of United Nations military operations. Its expansion and the revision of its mandate would require the consent of the legitimate authorities. However, it would also be necessary, for the reasons explained in paragraph 8 above, that the Security Council's decision to revise the mandate should be taken under Chapter VII of the Charter.

17. UNMIH would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. It would be headed by my Special Representative. Its military component would be headed by a Force Commander and the civilian police component by a Police Commissioner, both responsible directly to my Special Representative. Its military and police personnel would be contributed by Member States on a voluntary basis at the request of the Secretary-General in accordance with the conventions that have been established over the years. It would be financed collectively by the States Members of the United Nations under Article 17 of the Charter.

18. The first question to which this option gives rise is whether it would be possible to obtain the required personnel, with the necessary equipment, from enough Member States to conform with the established principle that no single Member State should contribute more than about one third of a force. Recent experience suggests that it is extremely unlikely that sufficient troops and police personnel would be available to permit deployment of the force on this basis in the urgent time scale required. In one recent peace-keeping operation, it took seven months to obtain and deploy the approximately 7,000 troops required; in another case, the Security Council approved the enlargement of an operation by 7,600 troops but over a year later only 5,300 have been obtained and deployed.

19. Even if enough troops could be found, their deployment with the necessary equipment would be likely to take three to six months. Preparation of a revised budget and its approval by the General Assembly would also take many weeks. It therefore seems impossible to envisage the expansion of UNMIH in a time scale which would permit its immediate deployment as soon as the senior military leadership leaves Haiti.

20. In these circumstances, I do not recommend that the Security Council decide to expand UNMIH to perform the additional tasks envisaged in resolution 933 (1994). For the reasons given above, it would not be possible to implement such a decision without offending certain well-tried principles of United Nations military operations which have been respected in other recent situations. Moreover, failure to implement the decision because of the difficulties mentioned above would damage the credibility of the United Nations. In these circumstances, I have felt it necessary to examine other options that would conform with the Charter, with past practice and with established principles.

21. The second option would be for the Security Council, at the request of the legitimate Government, to adopt a resolution, acting under Chapter VII of the Charter, by which it would authorize a group of Member States to establish and deploy a force to carry out the tasks described in paragraph 9 above. The Member States could be either an ad hoc group formed for the purpose of creating a multinational force or the members of OAS, who could decide to set up an inter-American force. In either case, consultations would be required between the United Nations and the Member States concerned and the latter would need to indicate to the United Nations their readiness to undertake this responsibility if so authorized by the Security Council to do so. Under this option, the force would be under the command and control of the Member States contributing to it and those Member States would be responsible for financing it, with the help of such voluntary contributions as other Member States might wish to make available. This option has the advantage of not requiring any limit on the proportion of the force to be contributed by a single country.

22. The third option would be to entrust phases one and two of the operation (see para. 12 above) to different forces. Phase one would be undertaken by a multinational or inter-American force authorized by the Security Council under Chapter VII of the Charter, as envisaged in the second option, with the mandate of establishing a secure and stable environment. Phase two would, as originally decided by the Security Council, be entrusted to UNMIH, under Chapter VI of the Charter, with the strength authorized by the Council in resolution 867 (1993) for which budgetary provision already exists, for which Member States have already pledged the bulk of the military and police personnel required and which already enjoys the consent of the legitimate Haitian authorities. Advance elements of UNMIH would be deployed to Haiti as soon as possible after the deployment of the multinational or inter-American force and its main body would follow as soon as it was agreed that that force had succeeded in establishing a sufficiently secure and stable environment for work to begin on implementing the relevant provisions of the Governors Island Agreement. It would be essential that the multinational or inter-American force should not be withdrawn without an agreement having been concluded between the Member States concerned and the United Nations on the timing and modalities of its withdrawal.

23. If it were decided to choose the second or third option, the Security Council might wish to authorize the establishment of a small group of United Nations military and police observers who would coexist with the multinational or inter-American force (as the case might be) and whose tasks would be to verify the manner in which that force carried out the mandate conferred upon it by the Council and, as appropriate, to make their good offices available to facilitate achievement of the purposes approved by the Council.

IV. OBSERVATIONS

24. The situation in Haiti has deteriorated to an intolerable extent. The senior leadership of the Armed Forces of Haiti continue to defy the will of the international community and to inflict murder, rape and torture on the unfortunate people of Haiti who also bear the brunt of sanctions, notwithstanding the efforts of United Nations and other agencies to bring them humanitarian relief. In these distressing circumstances, I fully support the Security Council's wish, as expressed in resolution 933 (1994), to plan urgently for effective action to bring this situation to an end and restore the legitimate authorities.

25. As the present report makes clear, the mandate envisaged in resolution 933 (1994) is not an easy one and would require the deployment, for a period of unforeseeable duration, of a very large international force. Regrettably, the assembly, equipment and deployment of such a force by the United Nations in the time scale required (option one) is beyond the present capability of the Organization.

26. If, therefore, the Council confirms its decision in favour of a force with the mandate envisaged in resolution 933 (1994), it will have to seek the cooperation of another entity whose capacity and procedures would permit the timely formation and deployment of such a force. It is suggested in the present report that the Council might turn for this purpose either to a group of like-minded Member States or to OAS, who, if they so agreed, would be authorized by the Council to establish a multinational or inter-American force to help create a secure and stable environment and implement the relevant provisions of the Governors Island Agreement (option two).

27. Alternatively, the Council could decide to divide the work between a multinational or inter-American force and UNMIH (option three). As soon as the multinational or inter-American force had created what was agreed by the United Nations to be a secure and stable environment, the Security Council, taking advantage of existing decisions by itself, by the General Assembly and by the legitimate authorities, as well as existing pledges from troop-contributing countries, would deploy UNMIH to Haiti to carry out the mandate originally envisaged for it.

28. I should like to make one final observation. Extensive and essential though they are, the activities discussed in the present report would form only part of the support and assistance which Haiti will need from the international community as soon as the legitimate authorities are restored. As provided for in the Governors Island Agreement, a major effort will be necessary to provide

urgently needed humanitarian assistance, to facilitate the return and reintegration of refugees, to help the Haitian authorities to rehabilitate an economy damaged by sanctions and rebuild institutions and infrastructure, to promote respect for human rights and to foster the economic and social development which the Haitian people so richly deserve. If the proposals put forward in the present report are accepted, the Security Council will implicitly commit the international community to a long-term continuing programme of support to Haiti.